

REMARKS

Applicant thanks Examiner Pope for his careful attention to this patent application.

The Examiner rejected claims 1-5 as anticipated by Stegman et al (U.S. 6,788,195). Claims 2-4 have been cancelled. Claim 1 has been amended to incorporate claim 4 into claim 1.

The MPEP states:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "When a claim covers several structures or compositions, either generically or as alternatives, the claim is deemed anticipated if any of the structures or compositions within the scope of the claim is known in the prior art." *Brown v. 3M*, 265 F.3d 1349, 1351, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001) (claim to a system for setting a computer clock to an offset time to address the Year 2000 (Y2K) problem, applicable to records with year date data in "at least one of two-digit, three-digit, or four-digit" representations, was held anticipated by a system that offsets year dates in only two-digit formats). See also MPEP § 2131.02.< "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Note that, in some circumstances, it is permissible to use multiple references in a 35 U.S.C. 102 rejection. See MPEP § 2131.01

Stegman et al. states:

If the calculated current is less than a calibrated threshold, the microprocessor will signal that the [sic] is operating improperly. If the calibrated current is greater than a calibrated threshold, then the light is considered to be operating properly and the next light in the queue is checked.

Col. 7, lines 37-42.

Thus, the device shown in the Stegman et al. patent only determines whether the lamp is operating below a threshold current. There is no comparison with the maximum current for the lamp. Thus, the system shown in Stegman et al. fails to account for situations where the lamp has failed when the lamp current exceeds a predetermined amount. A lamp can also fail by having a current in excess of its preferred operating current. This could indicate that the lamp has shorted, or is near failure. This is especially a problem for LED lamps. The light output for an LED is proportional to the forward current. Thus, an increase in current may indicate a change in light intensity. For safety light applications, a difference in intensity can be confusing to drivers of other vehicles.

The additional element of determining whether the lamp is operating above the maximum lamp current value is not obvious from Stegman et al. Stegman et al. indicates only to determine if the lamp current is below a minimum lamp current value. It offers no suggestion that the solution is incomplete or partial. In fact, it fails to even recognize the problem of lamp failure where the lamp draws too much current. Thus, there is no suggestion in Stegman et al. to test for lamp failure where the lamp draws an excessive current.

Claim 32 as amended states that the operating current range includes a minimum operating current and a maximum operating current. The Stegman et al. patent does not show a maximum operating current. As stated previously, the device shown in Stegman et al. compares the actual operating current with a single threshold. If the actual operating current is below the threshold, then the device indicates that the lamp malfunctioned. The device shown in Stegman

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et al. does not contemplate the lamp drawing too much current. Therefore, Claim 32 is allowable as well as the dependent claims.

In accordance with the suggestion of the Examiner, Claim 38 has been amended to incorporate Claim 41.

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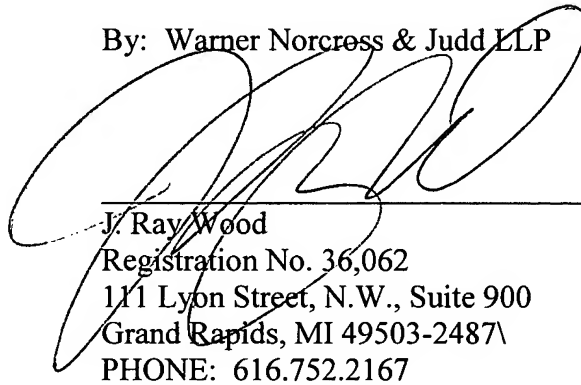
CONCLUSION

In view of the above amendment and these remarks, it is respectfully submitted that the application is in condition for allowance. A notice to that effect is earnestly and respectfully requested.

Respectfully submitted,

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